IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:07-CR-35

UNITED STATES)	
v.)	ORDER
)	ORDER
MICHAEL THOMPSON)	
)	

This matter is before the Court on Defendant's pro se Motion to Appoint Counsel,

Motion to Dismiss, and Motion for Release from Custody. The Motions are all DISMISSED.

The right to counsel under the Sixth Amendment of the U.S. Constitution guarantees that criminal defendants are entitled to be represented by counsel and to have counsel appointed in cases of indigency. *Gideon v. Wainwright*, 372 U.S. 335,339-40 (1963). A defendant also has the right to waive counsel and defend himself. *Faretta v. California*, 422 U.S. 806 (1975). The right to representation, however, does not extend to a right to mixed-representation, whereby both counsel and the defendant appear on the defendant's behalf. *McKaskle v. Wiggins*, 465 U.S, 168, 183 (1983); *see also United States v. Bush*, 404 F.3d 263,270-71 (4th Cir. 2005) (right to self representation is mutually exclusive of the right to counsel).

Defendant is currently represented by an attorney, and was represented by this attorney at the time each of these motions was made. Therefore, these pro se motions are not properly before the Court.

SO ORDERED, this _____ day of July, 2011.

Terrence W. BOYLE

UNITED STATES DISTRICT JUDGE